

**Notice of Allowability**

Application No.

10/813,621

Examiner

Jeff Natalini

Applicant(s)

BRABERS, PETERALV

Art Unit

2858

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 4/7/06.
2. ☒ The allowed claim(s) is/are 1,3,4,12-15,23 and 24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/7/06 has been entered.

### ***Allowable Subject Matter***

Claims 1, 3, 4, 12-15, 23, and 24 are allowed.

In regard to independent claims 1, 12, 13, and 15, the prior art does not teach or render obvious whereby the voltage electrodes are connected to each other such that a voltage gradient can be measured across at least two pairs of neighboring voltage electrodes forming pairs of neighboring voltage electrodes having one voltage electrode in common and the combination as claimed.

#### **Special Definition:**

Applicant by use of the specification (pg 6 line 14-16 and line 26-28 and pg 8 line 15-19) has described the definition of neighboring electrodes as used in the present

application and seen in figure 1 (whereas electrodes 14 and 15 would be neighboring electrodes, but electrodes 14 and 18 would not be).

This explicit special definition of "a pair of voltage electrodes", "neighboring voltage electrodes", and "a pair of neighboring voltage electrodes having a voltage electrode in common" is stated in the remarks on page 12, elaborating on what is in the specification and drawings and supporting what "these terms in this application always refer to" (see pages 12 and 13 of remarks for specific differences in how these special definitions are defined as to what Thompson discloses).

Also applicant admits on record that Bischoff (previously cited reference 4298840) discloses an electrode configuration wherein a voltage gradient is measured across pairs of neighboring voltage electrodes having a voltage electrode in common (col 2 line 11-14 and col 3 line 5-7), offering a reason for using this technique of being a cheap, simple, and quick method to measure the potential differences since a minimum amount of measuring electrodes have to be used (col 1 line 62-64 col 3 line 7-15).

Although applicant then states it would not be obvious to combine Bischoff (which after further consideration the examiner agrees) with Thompson because the configuration of Thompson already uses a minimum amount of measuring electrodes by using a common reference electrode and is less complex than that of the configuration of Bischoff, also since Bischoff does not place the voltage electrodes between current electrodes (as both the current invention and Thompson have done) the ratio/gradient

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attained would not be the same as that attained in the current invention (see remarks pgs 14-16).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Natalini whose telephone number is 571-272-2266. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diane Lee can be reached on 571-272-2399. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeff Natalini



**ANJAN DEB  
PRIMARY EXAMINER**